

Mark K. Anesh (MA-8303)  
LEWIS BRISBOIS BISGAARD & SMITH, LLP  
77 Water Street, 21st Floor  
New York, New York 10005  
Tel: (212) 232-1300  
Fax: (212) 232-1399  
*Attorneys for Defendant Trachtenberg, Rodes & Friedberg LLP  
and Third-Party Defendants Barry J. Friedberg and Leonard A. Rodes*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ROSENFELD & COMPANY, PLLC,

Plaintiff,

- against -

TRACHTENBERG, RODES & FRIEDBERG LLP, STAR  
AUTO SALES OF BAYSIDE, ICN. (d/b/a STAR  
TOYOTA OF BAYSIDE), STAR AUTO SALES OF  
QUEENS, LLC (d/b/a STAR SUBARU), STAR  
HYUNDAI LLC (d/b/a STAR HYUNDAI), STARR  
NISSAN, INC. (d/b/a STAR NISSAN), METRO  
CHRYSLER PLYMOUTH INC. (d/b/a STAR  
CHRYSLER JEEP DODGE), STAR AUTO SALES OF  
QUEENS COUNTY LLC (d/b/a STAR FIAT), and STAR  
AUTO SALES OF QUEENS VILLAGE LLC (d/b/a STAR  
MITSUBISHI),

Defendants.

----- X  
STAR AUTO SALES OF BAYSIDE, INC. (d/b/a STAR  
TOYOTA OF BAYSIDE), STAR AUTO SALES OF  
QUEENS, LLC (d/b/a STAR SUBARU), STAR  
HYUNDAI LLC (d/b/a STAR HYUNDAI), STAR  
NISSAN, INC. (d/b/a STAR NISSAN), METRO  
CHRYSLER PLYMOUTH INC. (d/b/a STAR  
CHRYSLER JEEP DODGE), STAR AUTO SALES OF  
QUEENS COUNTY LLC (d/b/a STAR FIAT), and STAR  
AUTO SALES OF QUEENS VILLAGE LLC (d/b/a STAR:  
MITSUBISHI),

Third-Party Plaintiffs,

- against -

: Index No. 1:21-cv-03858  
:  
: **DEFENDANT'S**  
: **TRACHTENBERG RODES &**  
: **FRIEDBERG LLP AND**  
: **THIRD-PARTY**  
: **DEFENDANTS' BARRY J.**  
: **FRIEDBERG AND LEONARD**  
: **A. RODES' RULE 26 INITIAL**  
: **DISCLOSURES**

BARRY J. FRIEDBERG and LEONARD A. RODES,

Third-Party Defendants.

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Defendant TRACHTENBERG RODES & FRIEDBERG LLP (“TRF”), as well as third-party defendants BARRY J. FRIEDBERG and LEONARD A. RODES (collectively “TRF Defendants”), by and through their counsel, LEWIS BRISBOIS BISGAARD & SMITH, LLP, respectfully state, as and for their Initial Disclosures, pursuant to Fed. R. Civ. P. 26(a)(1), as follows:

**1. Witnesses Likely to Have Discoverable Information**

(a) Kenneth R. Rosenfield, c/o GrayRobinson, P.A. 301 East Pine Street, Suite 1400, Orlando, Florida, 32802, (407) 843-8800. TRF Defendants anticipates that Mr. Rosenfield will have discoverable information related to the allegations set forth in the Complaint and Demand for Jury Trial dated April 30, 2021 (“Complaint”); the alleged legal services TRF Defendants provided; the scope of work R&C provided to Star Auto Sales of Bayside, Inc., Star Auto Sales of Queens, LLC, Star Hyundai LLC, Star Nissan, metro Chrysler Plymouth Inc., Star Auto Sales of Queens County LLC, and Star Auto Sales of Queens Village LLC (collectively “Star Defendants”); the alleged fees and outstanding invoices from R&C; and the engagement letter at issue in this case.

(b) Scott Lewis, c/o GrayRobinson, P.A. 301 East Pine Street, Suite 1400, Orlando, Florida, 32802, (407) 843-8800. TRF Defendants anticipates that Mr. Lewis will have discoverable information related to the allegations set forth in the Complaint; the alleged legal services TRF Defendants provided; the scope of work R&C provided to the Star Defendants; the alleged fees and outstanding invoices from R&C; and the engagement letter at issue in this case.

(c) Daniel Jamnik, c/o GrayRobinson, P.A. 301 East Pine Street, Suite 1400, Orlando, Florida, 32802, (407) 843-8800. TRF Defendants anticipates that Mr. Jamnik will have discoverable information related to the allegations set forth in the Complaint; the alleged legal

services TRF Defendants provided; the scope of work R&C provided to the Star Defendants; the alleged fees and outstanding invoices from R&C; and the engagement letter at issue in this case.

(d) Adam Rosenfield, c/o GrayRobinson, P.A. 301 East Pine Street, Suite 1400, Orlando, Florida, 32802, (407) 843-8800. TRF Defendants anticipates that Mr. Rosenfield will have discoverable information related to the allegations set forth in the Complaint; the alleged legal services TRF Defendants provided; the scope of work R&C provided to the Star Defendants; the alleged fees and outstanding invoices from R&C; and the engagement letter at issue in this case.

(e) Elizabeth McDonald, c/o GrayRobinson, P.A. 301 East Pine Street, Suite 1400, Orlando, Florida, 32802, (407) 843-8800. TRF Defendants anticipates that Ms. McDonald will have discoverable information related to the allegations set forth in the Complaint; the alleged legal services TRF Defendants provided; the scope of work R&C provided to the Star Defendants; the alleged fees and outstanding invoices from R&C; and the engagement letter at issue in this case.

(f) Jill Morton, address unknown. TRF Defendants anticipates that Ms. Morton will have discoverable information related to the allegations set forth in the Complaint; the alleged legal services TRF Defendants provided; the scope of work R&C provided to the Star Defendants; the alleged fees and outstanding invoices from R&C; and the engagement letter at issue in this case.

(g) Michael Koufakis, c/o Milman Labuda Law Group PLLC, 3000 Marcus Avenue, Suite 3W8, Lake Success, New York 11042, (516) 328-8899. TRF Defendants anticipate that Mr. Koufakis will have discoverable information related to the allegations set forth in the Star Defendants' Answer with Counterclaims, Cross-claims, and Third-Party Complaint dated July 30, 2021 ("Third-party Complaint"); the scope of work R&C provided to the Star Defendants; the underlying Voynow litigation; the allegations regarding TRF Defendants representations in the Federal Circuit Court of the Ninth Judicial Circuit in Orange County, Florida; the scope of work

TRF Defendants provided to the Star Defendants; the Rosenfield Engagement Letter dated April 20, 2017; the Litigation Support Engagement Letter; and the TRF Engagement Letter dated December 1, 2017.

(h) Jacqueline Cutillo, c/o Milman Labuda Law Group PLLC, 3000 Marcus Avenue, Suite 3W8, Lake Success, New York 11042, (516) 328-8899. TRF Defendants anticipate that Ms. Cutillo will have discoverable information related to the allegations set forth in the Star Defendants' Third-party Complaint; the scope of work R&C provided to the Star Defendants; the Rosenfield Engagement Letter dated April 20, 2017; the Litigation Support Engagement Letter; and the TRF Engagement Letter dated December 1, 2017.

(i) Steve Rambam, Address unknown. TRF Defendants anticipate that Mr. Rambam will have discoverable information related to the allegations set forth in the Complaint; the scope of work R&C provided to the Star Defendants; the alleged fees and outstanding invoices from R&C; and the engagement letter at issue in this case.

(j) Barry J. Friedberg, c/o Lewis Brisbois Bisgaard & Smith LLP, 77 Water Street, 21<sup>st</sup> Floor, New York, NY 10005, (212) 232-1300. TRF Defendants anticipate that Mr. Friedberg will have discoverable information related to the allegations set forth in the Complaint, Third-party Complaint, and Answer, asserting cross-claims against the Star Defendants ("Answer"); the scope of work TRF Defendants provided to the Star Defendants regarding the Voynow litigation; the allegations regarding TRF Defendants representations in the Federal Circuit Court of the Ninth Judicial Circuit in Orange County, Florida; and the TRF Engagement Letter dated December 1, 2017.

(k) Leonard A. Rodes, c/o Lewis Brisbois Bisgaard & Smith LLP, 77 Water Street, 21<sup>st</sup> Floor, New York, NY 10005, (212) 232-1300. TRF Defendants anticipates that Mr.

Rodes will have discoverable information related to the allegations set forth in the Complaint, Third-party Complaint, and Answer; the scope of work TRF Defendants provided to the Star Defendants regarding the Voynow litigation; the allegations regarding TRF Defendants representations in the Federal Circuit Court of the Ninth Judicial Circuit in Orange County, Florida; and the TRF Engagement Letter dated December 1, 2017.

(l) Stephen Arena, c/o Trachtenberg & Arena, LLP, 420 Lexington Avenue, Suite 2818, New York, NY 10170. TRF Defendants anticipates that Mr. Rodes will have discoverable information related to the allegations set forth in the Complaint, Third-party Complaint, and Answer; the scope of work TRF Defendants provided to the Star Defendants regarding the Voynow litigation; the allegations regarding TRF Defendants representations in the Federal Circuit Court of the Ninth Judicial Circuit in Orange County, Florida; and the TRF Engagement Letter dated December 1, 2017.

As this matter remains in the preliminary stage of discovery, TRF Defendants specifically reserve the right to augment, modify or supplement this list of witnesses, who may support the defenses asserted in Trachtenberg Rodes & Friedberg LLP's Answer. TRF Defendants also reserve the right to identify and call as witnesses each person identified by R&C and Star Defendants in this action. TRF Defendants further reserve the right to call expert witnesses and use expert testimony at trial.

## **2. Documents**

TRF Defendants state that they are in possession of documents relating to R&C's claims asserted herein, which are comprised of the files TRF Defendants maintained in the ordinary course of business with respect to its representation of the Star Defendants.

As this matter remains in the preliminary stage of discovery, TRF Defendants specifically reserve the right to augment, modify or supplement this response. TRF Defendants also reserve the right to offer and use as evidence all documents identified and disclosed by R&C, Star Defendants, and third-parties and/or non-party witnesses in this action.

### **3. Damages**

TRF had open and unpaid invoices issued to the Star Defendants in the amount of \$38,103.52. To facilitate the transfer of the file to the Star Defendant's new counsel in the Voynow Litigation, the Star Defendants made a partial payment to TRF in the amount of \$25,944.22. As such, TRF asserts cross-claims against the Star Defendants in the amount of \$12,159.30, plus interest and attorney's fees.

### **4. Insurance**

TRF Defendants states that it maintained a professional liability insurance policy through CNA, Policy Number 425132434, with coverage of \$2,000,000 for each claim and \$2,000,000 in the aggregate.

In providing the disclosures herein, TRF Defendants have complied with the initial disclosure requirements of Rule 26(a)(1) of the Federal Rules of Civil Procedure. TRF Defendants' investigation and discovery in this action is continuing and they reserve the right to amend, modify or supplement these disclosures as it may deem necessary and appropriate based upon discovery of additional information and/or documents.

Dated: New York, New York  
December 16, 2021

Yours, etc.

LEWIS BRISBOIS BISGAARD & SMITH LLP

By: Mark Anesh

Mark K. Anesh

*Attorneys for Defendant/Third Party*

*Defendants TRACHTENBERG, RODES &  
FRIEDBERG LLP, BARRY J. FRIEDBERG,  
and LEONARD A. RODES*

77 Water Street

New York, New York 10005

T: (212) 232-1300

File No.: 50031-2179

TO: Served via CM/ECF

Jason Zimmerman, Esq.

Brock Magruder, Esq.

Lesley-Anne Marks, Esq.

GRAY ROBINSON, P.A.

*Attorneys for Plaintiff*

*ROSENFELD & COMPANY, PLLC*

301 East Pine Street, Suite 1400 (32801)

Post Office Box 3068

Orlando, Florida 32802

Phone: (407) 843-8880

[Jason.zimmerman@gray-robinson.com](mailto:Jason.zimmerman@gray-robinson.com)

[Brock.magruder@gray-robinson.com](mailto:Brock.magruder@gray-robinson.com)

[Lesley-anne.marks@gray-robinson.com](mailto:Lesley-anne.marks@gray-robinson.com)

Joseph M. Labuda, Esq.

Jamie S. Felsen, Esq.

MILMAN LABUDA LAW GROUP PLLC

*Attorneys for Defendants/Third-Party*

*Plaintiffs STAR AUTO SALES OF BAYSIDE, ICN.*

*(d/b/a STAR TOYOTA OF BAYSIDE),*

*STAR AUTO SALES OF QUEENS, LLC*

*(d/b/a STAR SUBARU), STAR HYUNDAI LLC*

*(d/b/a STAR HYUNDAI), STARR NISSAN, INC.*

*(d/b/a STAR NISSAN),*

*METRO CHRYSLER PLYMOUTH INC.*

*(d/b/a STAR CHRYSLER JEEP DODGE),*

*STAR AUTO SALES OF QUEENS COUNTY LLF*

*(d/b/a STAR FIAT), and STAR AUTO SALES OF*

*QUEENS VILLAGE LLC (d/b/a STAR MITSUBISHI),*

3000 Marcus Avenue, Suite 3W8

Lake Success, NY 11042-1073

Phone: (516) 328-8899

Facsimile (516) 328-0082

[joe@mlaborlaw.com](mailto:joe@mlaborlaw.com)

[jamie@mlaborlaw.com](mailto:jamie@mlaborlaw.com)